

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 1-26 were presented. Claims 18-26, which were withdrawn from consideration as a result of the previous restriction and election of claims 1-17, are canceled. Accordingly, after entry of this amendment claims 1-17 are pending.

Allowable Subject Matter

The indication of allowable subject matter in claims 4, 5 and 7-16 is noted and appreciated.

Claim Rejections

Claims 1-3, 6 and 17 are rejected under 35 USC 102(b) as anticipated by Feng et al. (USP 6,265,750) ("Feng"). For the reasons discussed below, applicant respectfully traverses these rejections and submits that since claims 1-3, 6 and 17 recite features that are not disclosed or suggested by Feng, these claims cannot be anticipated by Feng.

Claim 1 recites:

forming a microstructure on a back side of the substrate;

depositing a precursor solution on a front side of the substrate *after* forming the microstructure while rotating the substrate to form a thin film layer thereon.

Thus, claim 1 requires that a thin film layer be formed on a front side of the substrate *after* a microstructure is formed on a back side of the substrate.

Paragraph 5 of the Action asserts that cavity 68 of Feng corresponds to applicant's claimed microstructure. In this regard, applicant notes that Feng uses reference numeral 68 in reference to "an electrolyte" (column 5, line 64) that may be "an aqueous solution of potassium hydroxide" (column 6, lines 13-14) and "fills the cavity 62 in the substrate 42" (column 6, lines 14-15, in conjunction with Fig. 16,

which is reproduced in the Action). In view of the above, for purposes of response, applicant assumes that the Action intended to refer to cavity 62 as corresponding to applicant's claimed "microstructure".

As described in column 5, lines 32-36 and Figs. 12 and 13, Feng's cavity 62 is formed by removing a portion of substrate 42 by bulk etching. Before cavity 62 is formed, contact pad 52, sensing electrode lead 54, sensing electrode 58 and diffusion barrier 60 are formed on first surface 46 of substrate 42 by thin film/film deposition (column 4, line 55 to column 5, line 29; Figs. 4-11). Thus, according to Feng, contact pad 52, sensing electrode lead 54, sensing electrode 58 and diffusion barrier 60 are thin films or films that are formed *before* forming cavity 62, which is asserted to correspond to applicant's claimed "microstructure". Thus, Feng cannot anticipate claim 1, which requires that a thin film layer be formed on a front side of the substrate *after* a microstructure is formed on a back side of the substrate.

Applicant also notes that there is no motivation or suggestion in Feng to form the thin film layers after forming the microstructure. This method, as recited in claim 1, poses a significant technical advantage in that the risk of damaging the thin film by the microstructure-forming process is obviated. In the method of Feng, by contrast, this risk is inherent and there is neither an appreciation of the risk nor a teaching or suggestion as to how it might be obviated.

Claims 2, 3, 6 and 17 depend from claim 1 and therefore distinguish over Feng for the same reasons. With respect to claims 2 and 3, applicant further notes that the Action asserts that Feng's reference numeral 62 corresponds to applicant's claimed "base plate". As discussed above, however, reference numeral 62 is used in reference to a cavity and therefore cannot correspond to applicant's claimed base plate.

Conclusion

This application is now believed to be in condition for allowance. The Examiner is invited to telephone the undersigned to resolve any issues that remain

Appl. No. 10/619,923
Amdt. Dated March 28, 2005
Reply to Office Action of December 28, 2004

Attorney Docket No. 83377.0009
Customer No. 26021

after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: March 28, 2005

By: 

Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

500 South Grand Avenue, Suite 1900
Los Angeles, California 90071
Phone: 213-337-6700
Fax: 213-337-6701